

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 514I.5, the Department of Human Services proposes to amend Chapter 86, “Healthy and Well Kids in Iowa (HAWK-I) Program,” Iowa Administrative Code.

The proposed amendments:

- Allow coverage under the HAWK-I Program to be approved for children claiming to be U.S. citizens who meet all other eligibility criteria except for proof of citizenship, and
- Extend the reasonable period for obtaining verification of citizenship from 60 days to 90 days.

Currently, the application is pended until verification is submitted or the reasonable period expires, but when citizenship is verified, benefits are approved based on the application date. Under these amendments, HAWK-I eligibility shall be granted and then canceled if verification is not received within 90 days. If a case has been canceled for this reason and the family reapplies for HAWK-I benefits, a second reasonable period for obtaining verification will not be allowed.

Contemporaneous with these changes, the Department expects to implement an alternative method of verifying citizenship through a data match with the Social Security Administration. This should markedly reduce the number of cases for which a birth certificate or other documentation verifying citizenship is required. Federal requirements for using this method extend the reasonable period for obtaining verification to 90 days.

These amendments do not provide for waivers in specified situations because they benefit the families affected by streamlining eligibility procedures. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before February 2, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code chapter 514I.

The following amendments are proposed.

Amend paragraphs **86.2(7)“d,” “e” and “f”** as follows:

d. An applicant or enrollee shall have a reasonable period to obtain and provide proof of citizenship and nationality. For the purposes of this requirement, the “reasonable period” begins on the date a written request to obtain and provide proof is issued to an applicant or enrollee and continues to the date the proof is provided or to the ~~sixtieth~~ ninetieth calendar day from the date the written request was issued.

e. Eligibility for HAWK-I shall ~~not~~ be approved for applicants for one reasonable period as described in paragraph 86.2(7)“d.”

(1) The reasonable period shall begin no earlier than the first day of the month following the month in which a valid application is received and shall continue until the end of the month in which the ninetieth day occurs or until acceptable documentary evidence is provided, whichever is earlier. However, coverage may be canceled before the end of the reasonable period when another eligibility requirement is not met.

(2) For the purposes of HAWK-I eligibility, an applicant who received coverage during a reasonable period as a Medicaid applicant shall not be granted coverage pursuant to this paragraph for a second reasonable period.

f. Failure to provide acceptable documentary evidence by the ~~sixtieth~~ ninetieth calendar day from the date the written request was issued pursuant to paragraph 86.2(7) “*d*” shall be the basis for ~~denial~~ cancellation of coverage under HAWK-I for the child.